

(3) MAY REFUSE TO EMPLOY A WORKER WHO IS A RESIDENT OF ANOTHER STATE IF THE COMMISSIONER FINDS THAT THE OTHER STATE ENFORCES A LAW THAT PROHIBITS A RESIDENT OF THIS STATE FROM EMPLOYMENT AS A WORKER UNDER A PUBLIC WORK CONTRACT IN THAT STATE, UNLESS:

(I) THE REFUSAL IS IN CONFLICT OR OTHERWISE INCONSISTENT WITH A FEDERAL LAW APPLICABLE TO THE PUBLIC WORK;

(II) THE FEDERAL GOVERNMENT IS TO PAY WHOLLY OR PARTLY FOR THE PUBLIC WORK; AND

(III) THE INCONSISTENCY WITH FEDERAL LAW JEOPARDIZES THE AVAILABILITY OF FEDERAL FUNDS FOR THE PUBLIC WORK.

(B) USE OF APPRENTICES.

AN APPRENTICE UNDER A PUBLIC WORK CONTRACT SHALL BE PART OF AND USED IN ACCORDANCE WITH AN APPRENTICESHIP PROGRAM REGISTERED WITH THE COUNCIL AND APPROVED BY THE BUREAU OF APPRENTICESHIP AND TRAINING OF THE UNITED STATES DEPARTMENT OF LABOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF §§ 12-302(e) and 12-303 and the first sentence of § 12-312.

In subsection (a)(3)(i) and (iii) of this section, the defined term "public work" is substituted for the former references to a "project or activity", to conform to the language used throughout this subtitle.

In subsection (b) of this section, the requirement that an apprentice be "part of ... an apprenticeship program" is added to state expressly that which only was implied by the former requirement for "use" in accordance with the program.

Also in subsection (b) of this section, the correct name "Bureau of Apprenticeship and Training of the United States Department of Labor" is substituted for the former erroneous reference to "the Bureau of Apprenticeship Training of the U.S. Department of Labor", for clarity.

The second sentence of former SF § 12-312, which restricted employment of apprentices to those in programs "approved by" the Council, is deleted as unnecessary in light of subsection (b) of this section, which is derived from former SF § 12-302(e). Under Art. 41A, § 3-405(6) of the Code, the Council registers apprenticeship agreements that meet the Council's standards.